

PRESENT:

Mr. Russell J. Gulley, Chairman

Mr. F. Wayne Bass, Vice Chairman

Dr. William P. Brown

Mr. Sam R. Hassen

Mr. Reuben J. Waller, Jr.

Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

ALSO PRESENT:

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Ms. Beverly F. Rogers, Assistant Director, Zoning and Special Projects Section, Planning Department

Mr. Robert V. Clay, Planning and Special Projects Manager,

Zoning and Special Projects Section, Planning Department

Ms. Jane Peterson, Planning and Special Projects Manager,

Zoning and Special Projects Section, Planning Department

Ms. Darla W. Orr, Planning and Special Projects Manager,

Zoning and Special Projects Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator, Zoning and Special Projects Section, Planning Department

Mr. Gregory E. Allen, Planning Administrator,

Development Review Section, Planning Department

Mr. Alan G. Coker, Senior Planner, Development Review Section, Planning Department

Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department

Mr. Jeffery H. Lamson, Senior Planner, Development Review Section, Planning Department

Mr. Jeff Dopp, Senior Planner, Development Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner, Development Review Section, Planning Department

Ms. Amy Somervell, Senior Planner, Development Review Section, Planning Department

Ms. Pamela Nichols, Clerk to the Commission,

Zoning and Special Projects Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning and Research Section, Planning Department

Mr. Zachary Mayo, Planning Data and Geographic Analysts,

Advance Planning and Research Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning

And Research Section, Planning Department

Ms. Tara McGee, Assistant County Attorney,

County Attorney's Office

Mr. David W. Robinson, Assistant County Attorney,

County Attorney's Office

Mr. Joseph E. Feest, Planning Administrator, Development

Review Section, Planning Department

Mr. Ted Barclay, Supervisor Code Compliance

Planning Department

Mr. Steven Adams, Senior Civil Engineer

Transportation Department

Mr. Roy Covington, Director

Utilities Department

Mr. Bill Wright, Assistant Director - Engineer

Utilities Department

Mr. Richard M. McElfish, Director,

Environmental Engineering Department

Mr. Tom Jacobson, Director of Revitalization

Community Development

Mr. Jim Eicher, CPTED Coordinator

Police Support Services

Lieutenant Frank Nause, Fire and

Emergency Services, Fire Department

Ms. Patricia W. Kizzie, Assistant Director,

Budget and Management Department

Ms. Carol Judkins, Budget and Management Analyst,

Budget and Management Department

Dr. Mike Etienne, Communications Specialist,

Planning Department, School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gulley Bass, Brown, Hassen, Waller and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner apprised the Commission that staff requested amendments to the agenda to include adding a new Item XI, Set Public Hearing for Fee Adjustment; and a new Item XII, Discuss Alternatives Residential Energy Opportunities. It was the consensus of the Commission to amend the agenda as follows:

I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.

- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. Work Program Review and Update.
- V. Planning Topics-"Chesterfield County Community Business Report".
- VI. Proposed Code Amendment Relative to "Open Space" in the *Upper Swift Creek* Watershed.
- VII. Proposed Code Amendment Relative to Vehicle Parking in Front Yards in Residential Districts.
- VIII. Presentation by Sign Industry Representatives Relative to Electronic Message Centers.
- IX. Proposed Code Amendment Relative to Unrelated Individuals Sharing Single Family Residences.
- X. Proposed Code Amendment Relative to Recreational Vehicle Equipment in Manufactured Home and Residential Districts.
- XI. Set Public Hearing for Fee Adjustment.
- XII. Discuss Alternatives Residential Energy Opportunities.
- XIII. Recess.

II. <u>REVIEW UPCOMING AGENDAS.</u>

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of December 2008, January and February 2009.

III. REVIEW DAY'S AGENDA. (ANY ITEMS LISTED FOR THE 3:00 P.M. AND 6:30 P.M. SESSIONS.)

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

IV. WORK PROGRAM.

■ WORK PROGRAM

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the November 2008 Work Program as presented.

V. PLANNING TOPICS-CHESTERFIELD COUNTY BUSINESS REPORT.

□ CHESTERFIELD COUNTY BUSINESS REPORT

Mr. Steve Haasch presented information on the Chesterfield County Business Report which included topics on the county's strengths; weakness; jobs per worker; and employment and population growth.

VI. PROPOSED CODE AMENDMENT RELATIVE TO "OPEN SPACE" IN THE UPPER SWIFT CREEK WATERSHED. □ OPEN SPACE IN THE UPPER SWIFT CREEK WATERSHED

Mr. Dick McElfish presented additional information on the Proposed Code Amendment Relative to "Open Space" in the *Upper Swift Creek* Watershed as a follow-up from the October 21, 2008 Planning Commission work session.

Mr. Gulley commented that the Ordinance should be explored on a County - wide basis and directed staff to provide additional draft language at the February 16, 2009 work session.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to defer further discussion on the Proposed Code Amendment Relative to "Open Space" in the *Upper Swift Creek* Watershed to their February 17, 2009 work session.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VII. PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS. **DEVICE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS**

Mr. Ted Barclay presented the Proposed Zoning Ordinance amendment relative to vehicle parking in front yards in residential districts. He added the proposed amendment would require that parking in front and corner side yards on lots in residential zoning districts be located on hard, all-weather surfaces.

The Commission expressed concern on the enforceability of the Ordinance and directed staff to present additional information at the February 17, 2009 work session.

Mr. Turner advised the Commission that staff would also include information relative to aging neighborhoods during the February 17, 2009 work session.

It was the consensus of the Commission to defer discussion on these items to the February 17, 2009 work session.

VIII. PRESENTATION BY SIGN INDUSTRY REPRESENTATIVES RELATIVE TO ELECTRONIC MESSAGE CENTERS. ■SIGN INDUSTRY REPRESENTATIVES RELATIVE TO ELECTRONIC MESSAGE CENTERS

Ms. Carrie Coyner presented information on the technology; aesthetics; safety; and Policy verses Ordinance relative to the Electronic Message Centers. Messrs. J.W. Hill of Moore Signs, Allen Twedt and Bob Morin of Holiday Signs and Brian Kelmar of Brooksgray Signs highlighted the benefits associated with the installation of Electronic Message Centers.

Mr. Jeff Dopp presented information relative to conditional approval of Electronic Message Signs to include violations of this conditional approval of several such signs throughout the county.

Mr. Bass exited the work session at 2:22 p.m.

The Commission voiced concern for additional draft language relative to background color; height; size; and location for electronic message signs and directed staff to meet with the individual Commissioners to develop a draft policy.

It was the consensus of the Commission to defer action on this item to the March 17, 2009, work session.

IX. PROPOSED CODE AMENDMENT RELATIVE TO UNRELATED INDIVIDUALS SHARING SINGLE FAMILY RESIDENCES. BUNRELATED INDIVIDUALS SHARING SINGLE FAMILY RESIDENCES

Mr. Bass reentered the work session at 2:25 p.m.

Ms. McGee presented information relative to the Proposed Code amendment and stated that the 2008 General Assembly passed two laws which affect zoning violations relating to the number of unrelated person in single-family dwellings. She added the first law increased the penalty and the second law reduced the appeal period for such violations.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission set a public hearing for January 20, 2009.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

X. PROPOSED CODE AMENDMENT RELATIVE TO RECREATIONAL VEHICLE EQUIPMENT IN MANUFACTURED HOME AND RESIDENTIAL DISTRICTS. ©RECREATIONAL VEHICLE EQUIPMENT

Because of time constraints, Mr. Turner suggested the Commission reschedule a presentation on the Proposed Code Amendment Relative to Recreation Vehicle Equipment in Manufactured Home and Residential Districts to their December 16, 2008, work session.

XI. SET PUBLIC HEARING FOR PLANNING FEE ADJUSTMENTS.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission set a public hearing for December 16, 2008.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

XII. <u>DISCUSS ALTERNATIVE RESIDENTIAL ENERGY OPPORTUNITIES.</u>

Because of time constraints, Mr. Turner suggested the Commission reschedule discussions on Alternative Residential Energy Opportunities their December 16, 2008, work session.

IX. RECESS.

There being no further business, the Commission recessed at 2:45 p.m., agreeing to reconvene in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the 3:00 p.m., for the public meeting.

3:00 P. M. PUBLIC MEETING

Mr. Gulley, Chairman, called the meeting to order at 3:00 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

I. <u>REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.</u>

Mr. Waller requested to reorder Case 09TS0135, 2421 W.D., LLC to Deferral Request By Applicant.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission amended the agenda to reorder Case 09TS0135 to Deferral Request By Applicant.

II. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

III. APPROVAL OF THE PLANNING COMMISSION MINUTES.

SEPTEMBER 16, 2008, PLANNING COMMISSION MINUTES.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the September 16, 2008, Planning Commission Minutes.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSTENTION: Mr. Gulley

OCTOBER 21, 2008, PLANNING COMMISSION MINUTES.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to approve the October 21, 2008, Planning Commission Minutes.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSTENTION: Mr. Gulley

IV. CONSIDERATION OF THE FOLLOWING REQUEST

REQUESTS FOR DEFERRAL BY APPLICANTS

G. <u>08TS0264</u>: In Bermuda Magisterial District, WILTON DEVELOPMENT CORPORATION requested deferral of consideration for a tentative subdivision approval for 151 single-family lots and an exception to Section 17-70 to allow buffers to be inclusive of setbacks for proposed lots 142, 143 and 151. This development is commonly known as CENTRALIA STATION. This request lies in Residential (R-7, R-9, R-12) and Agricultural (A) Districts on 83.54 acres fronting approximately 680 feet on the south line of Centralia Road, also lying on the east line of Fox Chappel Road. Tax IDs 785-663-7560 and 9781, 786-660-5178, 786-663-1052 and 2179.

© 08TS0264-STAFF ANALYSIS

Mr. Jeff Collins, the applicant's representative, requested deferral of Case 08TS0264 to the January 20, 2009, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 08TS0264 to the January 20, 2009, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

H. <u>09TS0135</u>: In Midlothian Magisterial District, 2421 W. D., LLC requested deferral of consideration for a tentative subdivision approval of 6 single-family residential lots and an exception to Section 17-70 to reduce the required 35 foot buffer to 25 feet. This development is commonly known as BON AIR WALK. This request lies in a Residential (R-15) District on 5.14 acres fronting approximately 450 feet on the west

line of Buford Road, also 280 feet on the north line of Sunview Lane. Tax IDs 756-712-8658 and 757-712-0544.

■09TS0135-STAFF ANALYSIS

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 09TS0135 to the January 20, 2009, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 09TS0135 to the January 20, 2009, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- <u>CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.</u>
- A. <u>08PR0268</u>: In Dale Magisterial District, THE BERMUDA TRIANGLE PROPERTY, LP requests to reduce a 100 foot buffer to 30 feet in conjunction with site plan approval for an office, office/warehouse, and ministorage project. This project is commonly known as IRONBRIDGE STORAGE EXPANSION. This request lies in a General Business (C-5) District on 11.9 acres fronting approximately 250 feet on the east line of Ironbridge Road also fronting approximately 500 feet on the north line of Quaiff Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-673-3836, 9020, and Part of 4300.

 B\[
 08PR0268-STAFF ANALYSIS\]

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendations.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08PR0268 with those cases requiring discussion.

B. <u>09PR0104</u>: In Bermuda Magisterial District, THE EMERSON CONSTRUCTION GROUP requests to waive the 50 foot wide buffer requirement in conjunction with site plan approval for a one-story office building. This project is known as HANLEY OFFICE BUILDING. This request lies in a Neighborhood Business (C-2) District on 2.55 acres fronting approximately 360 feet along the north line of Meadowville Road and located at the intersection Meadowville Road and Rivers Bend Boulevard. Tax ID 815-653-0571.

<u>09PR0104-STAFF ANALYSIS</u>

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to approve Case 09PR0104 subject to the following conditions:

CONDITIONS

1. Within the thirty (30) foot setback along the west property line, landscaping shall be provided in accordance with Perimeter Landscaping B. (P)

- 2. A six (6) foot tall vinyl fence shall be installed at the north end of the building, at the edge of the fifty (50) foot buffer to screen headlights and prevent unwanted pedestrian traffic from cutting through the rear yards of the adjacent subdivision. (P)
- 3. Plans shall be revised and resubmitted to address staff review comments. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

C. <u>09PR0120</u>: In Midlothian Magisterial District, **AMERICAN FAMILY FITNESS** requests to reduce a 50 foot wide buffer to 10 feet in conjunction with site plan approval for approximately 70,680 square feet of fitness center and retail space. This project is known as **AMERICAN FAMILY - MIDLOTHIAN**. This request lies in Neighborhood Business (C-2) and Corporate Office (O-2) Districts on 51.55 acres fronting approximately 175 feet on the south line of Midlothian Turnpike, and approximately 490 feet on the west line of North Woolridge Road. Tax IDs 731-707-6510; 731-706-9398; and 732-706-0494.

<u>809PR0120-STAFF ANALYSIS</u>

Mr. Waller declared a conflict of interest due to a business arrangement with an adjacent property owner who has a contractual arrangement with the applicant.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendations.

Mr. Gulley opened the floor for public comments.

Mr. Peppy Jones spoke in favor of the request.

There being no one else to speak, Mr. Gulley closed the public comments.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to approve Case 09PR0120 subject to the following conditions:

CONDITONS

- 1. Within the western buffer, a six (6) foot opaque solid board screening fence shall be located on the subject property, and perimeter landscape C shall be provided, with evergreen trees planted in lieu of the requirement for small deciduous trees. (P)
- Within the southern buffer, screening shall be provided with a berm, a solid board screening fence with brick posts matching the design of the fence behind the Food Lion store at Luck's Lane and Courthouse Road, and perimeter landscape C, with evergreen trees planted in lieu of the requirement for small deciduous trees. (P)
- 3. The site plan shall be revised and resubmitted to address conditions of this approval and outstanding site plan review comments. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen.

ABSENT: Mr. Waller.

D. <u>09PR0129</u>: In Clover Hill Magisterial District, PATIENT SERVICES, INC. requests to reduce a 100 foot

buffer to 50 feet in conjunction with site plan approval for an office building. This project is commonly known as **PATIENT SERVICES**, **PHASE III**. This request lies in a Light Industrial (I-1) District on 1.42 acres located at 13521 East Boundary Road. Tax IDs 730-687-8155 and Part of 9647.

© 09PR0129-STAFF ANALYSIS

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley acknowledged a letter from the Committee of Architectural Review in favor of the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve Case 09PR0129 subject to the following condition:

CONDITION

A dense evergreen hedge or a low four (4) foot solid board fence shall be provided along the south side of the buffer for the entire length of the parcel. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

E. <u>09PS0168</u>: In Midlothian Magisterial District, CROSLAND requests conceptual plan approval as required by zoning Case 07SN0333 for a mixed-use development that includes up to 520 multi-family units and 674,000 square feet of retail and office uses. This project is known as STONEBRIDGE. This request lies in a Regional Business (C-4) District on 83 acres located on the southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668, and 8227; 764-706-3072 and 8482; 764-707-6014; 765-704 Part of 2693; 765-705-4651, 5781, 7651, and 7962; 765-706-0904, 4170, 6964, 8068, and 8842; and 765-707-6600. <u>▶09PS0168-STAFF ANALYSIS</u>

Mr. Ivan Woo, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a question from Mr. Waller, Mr. Jacobson stated that the condition was revised as a result of the community meeting.

On motion of Waller, seconded by Bass, the Commission resolved to approval of Case 09PS0168 subject to the following condition:

CONDITION

Any transitional greenspace shall include a minimum three (3) foot high ornamental fence with landscaping as otherwise described on the Stonebridge conceptual plans, Option 1 and Option 2, revised October 22, 2008. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

F. <u>09PR0177</u>: In Dale Magisterial District, **RICHMOND KICKERS YOUTH SOCCER CLUB AND**

POSEIDON SWIMMING INC. requests conceptual landscape plan approval. This project is commonly known as RKYSC ATHLETIC COMPLEX LANDSCAPE PLAN. This request lies in a Corporate Office (O-2) District on 35.1 acres fronting approximately 1700 feet along the west line of Chippenham Parkway and at the northern terminus of Ridgedale Parkway. Tax IDs 774-690-7500, 775-689-1840, 2972 and 6448.
■09PR0177-STAFF ANALYSIS

Mr. Rob Ukrop, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to approve Case 09PR0177 subject to the following condition:

CONDITION

Developer shall schedule an inspection with the Planning Department of the remaining trees in the setback upon completion of grading the site in order to determine any additional landscaping that is needed to meet landscape density requirements within the setback. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

- A. <u>08PR0268</u>: In Dale Magisterial District, THE BERMUDA TRIANGLE PROPERTY, LP requests to reduce a 100 foot buffer to 30 feet in conjunction with site plan approval for an office, office/warehouse, and ministorage project. This project is commonly known as IRONBRIDGE STORAGE EXPANSION. This request lies in a General Business (C-5) District on 11.9 acres fronting approximately 250 feet on the east line of Ironbridge Road also fronting approximately 500 feet on the north line of Quaiff Lane and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-673-3836, 9020, and Part of 4300.

 <u>808PR0268-STAFF ANALYSIS</u>
 - Mr. Gulley opened the floor for public comments.

Ms. Betty Taylor spoke in opposition to the buffer reductions noting the adverse affect on her property.

There being no one else to speak, Mr. Gulley closed the public comments.

Ms. Coyner and Mr. Lamson noted that the buffer reduction pertained to the east line of the property and would not affect Ms. Taylor's property.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to approve Case 08PR0268 subject to the following conditions:

CONDITIONS

- Perimeter landscaping C shall be provided within the proposed thirty (30)-foot buffer area. Evergreen trees shall be planted in lieu of the small deciduous trees required by perimeter C landscaping. (P)
- 2. The area of the buffer reduction shall include the area of the Virginia Power line easement. If the area under the power line is developed, a separate site plan shall be submitted for

administrative review and approval. A screen wall compatible with the proposed buildings shall be constructed. Openings in the wall shall be permitted as required for access by the power company. Low growing plantings acceptable to the Planning Department and the power company shall be installed along the exterior of the wall. (P)

- 3. A double row staggered of evergreen trees shall be provided along the north side of building "J". The evergreen trees within each row shall be spaced ten (10) feet on center. (P)
- 4. An automatic irrigation system shall be installed to water the landscaping required within the buffer area and along all exterior perimeter building walls. (P)
- 5. Plans shall be revised and resubmitted to address staff review comments, including the attached VDOT review comments. (P)

V. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 3:35 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public meeting.

During dinner, there was general discussion regarding pending cases.

6:30 P.M. PUBLIC MEETING AND HEARING.

I. INVOCATION.

Dr. Brown presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Ms. Karen Rice led the Pledge of Allegiance to the Flag.

III. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agenda for the upcoming months.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

The Commission amended the agenda to reorder the Rezoning and Conditional Use - Other to be heard before the Code Amendments.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission amended the agenda to reorder the Rezoning and Conditional Use - Other to be heard before the Code Amendments.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters at this time.

VII. PUBLIC HEARING.

- REQUESTS FOR DEFERRAL BY APPLICANTS.
- G. <u>09PD0160</u>: In Matoaca Magisterial District, CHESTERFIELD COUNTY PARKS AND RECREATION requested deferral of consideration of Substantial Accord Determination and amendment of zoning district map to permit park use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 174.3 acres lying at the southern terminus of Penmar Drive, south of River Road. Tax IDs 769-605-1330; 771-606-1699; and 772-607-1992 and 3083. <u>▶</u>09PD0160-STAFF ANALYSIS

Mr. Mike Golden, the applicant's representative, requested deferral of Case 09PD0160 to the December 16, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to defer Case 09PD0160 to the December 16, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

J. <u>06SN0220</u>: In Dale Magisterial District, **BROOKSTONE BUILDERS** requested deferral of consideration of rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

<u>▶06SN0220-STAFF ANALYSIS</u>

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 06SN0220 to the October 2009 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer Case 06SN0220 to the October 2009 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

K. <u>08SN0218</u>: In Bermuda Magisterial District, CHESTNUT LLC requested deferral of consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 21.9 acres fronting approximately 250 feet on the east line of North Enon Church Road, approximately 480 feet north of East Hundred Road also fronting approximately 400 feet on the west line of Burgess Road, approximately 400 feet northeast of East Hundred Road. Tax ID 824-647-Parts of 5620 and 9569. <u>▶08SN0218-STAFF ANALYSIS</u>

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 08SN0218 to the February 2009 regularly scheduled Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 08SN0218 to the February 2009 regularly scheduled Planning Commission public hearing.

L. <u>08SN0255</u>: In Clover Hill Magisterial District, **KPC PROPERTIES** requested deferral of consideration of amendment to Conditional Use Planned Development (Case 89SN0320) and amendment of zoning district map to delete limitations on nightclub/special events uses relative to location of operation, size of dance floor and operator and to permit outside public address systems. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation/recreation and residential use of 2.0 units per acre or less. This request lies in a Residential (R-7) District on 1.3 acres lying approximately 610 feet off the west line of Millridge Parkway approximately 300 feet south of Planters Wood Road. Tax IDs 730-678-0750, 0857, 0935, 1045, 1529 and 1553.

<u>○88SN0255-STAFF ANALYSIS</u>

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 08SN0255 to the March 2009 regularly scheduled Planning Commission public hearing.

Ms. Andre Epps, spoke in favor of the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to defer Case 08SN0218 to the March 2009 regularly scheduled Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

• CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.

D. <u>09SN0125</u>: In Bermuda Magisterial District, KHJ 1700 WILLIS, LLC requests amendment to rezoning (Case 03SN0224) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial and light industrial use. This request lies in a General Business (C-5) District on 4.8 acres located in the northeast quadrant of the intersection of Willis Road and Germont Avenue. Tax IDs 796-671-9098; 796-672-9113 and 9454; and 797-672-0506 and 0743. <u>▶</u>09SN0125-STAFF ANALYSIS

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 09SN0125.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

E. <u>09SN0128</u>: In Bermuda Magisterial District, **DAVID M. STEVENS** requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies in a Community Business (C-3) District on 1.8 acres and is known as 2537 Weir Road. Tax ID 799-652-5361.

B09SN0128-STAFF ANALYSIS

Mr. David M. Stevens, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 09SN0128 subject to the following condition:

CONDITION

Any computer-controlled variable-message electronic shall be subject to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. The copy display color shall either be white or yellow;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting and animation effects shall be prohibited. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

F. <u>09SN0134</u>: In Clover Hill Magisterial District, CHESTERFIELD CO. FIRE DEPARTMENT requests Conditional Use and amendment of zoning district map to permit a fire/rescue station. The density of

such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use. This request lies in an Agricultural (A) District on 5.3 acres fronting approximately 200 feet on the west line of Courthouse Road, approximately 600 feet north of Hull Street Road. Tax ID 748-686-7379.

©09SN0134-STAFF ANALYSIS

Chief Stuart Dalton, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09SN0128 subject to the following condition:

CONDITION

Any new or redevelopment of the property for the fire/rescue station shall comply with Emerging Growth District standards of the Zoning Ordinance for the Corporate Office (O-2) District, except for buffer provisions. (P)

(NOTE: With the approval of this request, this case supersedes Case 76AN0158.)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

H. <u>09PD0162</u>: In Bermuda Magisterial District, CHESTERFIELD COUNTY PARKS & RECREATION requests Substantial Accord Determination and amendment of zoning district map to permit park use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This request lies in a Residential (R-9) District on 0.9 acres and is known as 2808 Drewrys Bluff Road. Tax ID 788-681-8840.

<u>●09PD0162-STAFF ANALYSIS</u>

Mr. Mike Golden, the applicant's representative, accepted staff's recommendation.

Ms. Margaret Davis spoke in favor of the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission found Case 09PD0162 for a proposed public facility (for expansion of Bensley Park) to be in Substantial Accord with the Comprehensive Plan subject to the following conditions:

CONDITIONS

- 1. With the exception of the requirements for recreational facilities outlined in Condition 2, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)
- 2. Recreational Facility Setbacks:
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot lines and a minimum of

fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Also, within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

B. Any playground area (i.e. areas accommodating swings, jungle gyms or similar facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

I. <u>09PD0163</u>: In Bermuda Magisterial District, CHESTERFIELD COUNTY PARKS AND RECREATION requests Substantial Accord Determination and amendment of zoning district map to permit park use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies in a Residential (R-7) District on 5.3 acres fronting approximately 130 feet on the east line of Gill Street approximately 270 feet north of Richmond Street also located in the northwest quadrant of the intersection of Richmond and Curtis Streets. Tax IDs 790-654-9007 and 791-653-0773.

Mr. Mike Golden, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission found Case 09PD0163 for a proposed public facility (for a planned public park) to be in Substantial Accord with the Comprehensive Plan subject to the following conditions:

CONDITIONS

- 1. With the exception of the requirements for recreational facilities outlined in Condition 2, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in an Emerging Growth District Area. (P)
- 2. Recreational Facility Setbacks:
 - A. With the exception of playground areas which accommodate swings, jungle gyms or similar facilities, outdoor play fields, courts, swimming pools and similar active recreational facilities shall be located a minimum of 100 feet from any proposed or existing single family residential lot lines and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent development of indoor facilities and/or parking within the 100 foot setback. Also, within the 100 foot and fifty (50) foot setbacks, a fifty (50) foot

buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- B. Any playground area (i.e. areas accommodating swings, jungle gyms or similar facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed public roads. These buffers shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. (P)
- 3. Prior to the property being designated as a public park, prior to any site plan approval, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first: 1) 100 feet of right-of-way on the north side of Curtis Street for the entire property frontage; and 2) 100 feet of right-of-way on the east side of Richmond Street along the property frontage for a distance of 250 feet from Curtis Street, both rights-of-way measured from the centerlines of the roads, shall be recorded, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

REZONINGS AND CONDITIONAL USES – OTHER.

M. <u>09SN0103</u>: In Dale Magisterial District, POTTS, MINTER & ASSOC., P.C. requests rezoning and amendment of zoning district map from Residential (R-7) and Agricultural (A) to General Business (C-5) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 2.1 acres fronting approximately 170 feet on the east line of Iron Bridge Road approximately 130 feet south of Country Manor Lane. Tax IDs 776-684-4525 and 4613. ■09SN0103-STAFF ANALYSIS

Ms. Beverly Rogers presented an overview of the request and staff's recommendation of denial noting the proposed zoning and land uses failed to conform to the <u>Central Area Plan</u>; and the proposal failed to provide customary road improvements to mitigate the traffic impacts to Route 10.

Sergeant Kevin Carroll, President of the Fraternal Order of Police, stated that most of the meetings for the lodge were scheduled for 7:00 p.m.; and therefore the traffic impact would be minimal. He added that the installation of a turn lane would adversely affect the adjacent property.

Mr. Chris Mulligan, the applicant's representative, stated that a thirty (30) foot buffer would be added to the rear of the property and that the adjacent property owner had agreed to a shared access.

Mr. Gulley opened the floor for public comments.

Mr. Michael Jackson spoke in opposition of the request noting traffic concerns.

There being no one else to speak, Mr. Gulley closed the public comments.

Dr. Brown expressed his support for the request and noting the site would not generate additional traffic and the limited restrictions associated with the property would alleviate any traffic problems.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 09SN0103 and acceptance to the following proffered conditions:

PROFFERED CONDITIONS

- 1. Master Plan: The Textual Statement, last revised on October 30, 2008, shall be considered the Master Plan. (P)
- 2. Dedication: Prior to any site plan approval or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, sixty (60) feet of right of way on the east side of Iron Bridge Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

Access:

- A. Direct vehicular access from the property shall be limited to one (1) entrance/exit, generally located at the southern property line. The exact location of this access shall be approved by the Transportation Department.
- B. Prior to any site plan approval, an easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of this access with the adjacent property to the south. (T)

4. Noise:

- A. Outdoor music and equipment used during special events, including but not limited to speakers, amplifiers, microphones, live music, radios and disc jockeys, shall only be permitted between the hours of 8:00 A.M. and 10:00 P.M., Sunday through Thursday, and between the hours of 8:00 A.M. and midnight on Fridays and Saturdays.
- B. The special events uses shall be designed and operated so as not to generate noise levels above 60 dB(A), as measured at the property boundaries. Prior to site plan approval, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)
- 5. Permitted Uses: The following uses shall be permitted:
 - A. Special events business to permit events such as weddings, receptions, birthday parties, luncheons and similar social gatherings;
 - B. Indoor recreational use for non-profit organizations, such as bingo, raffles or similar fund raisers:
 - C. A cumulative total of 2,500 gross square feet of business and professional offices:

- D. Fraternal uses:
- E. Catering establishments;
- F. Churches and/or Sunday schools; and
- G. Schools-commercial, trade, vocational and training. (P)

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

CODE AMENDMENT RELATIVE TO HEIGHT OF CHURCH STEEPLES.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Section 19-507 of the zoning ordinance relating to height exemptions for various structures. Specifically, this amendment would allow church steeples, spires, cupolas, and domes to exceed the fifty (50) feet height limitation in R and R-TH Districts and would allow such structures to be increased up to a height of 150 feet in certain circumstances.

BHEIGHT OF CHURCH STEEPLES

Mr. Greg Allen stated the purpose of this amendment is to enable churches to promote their presence in the community with more visible steeples without the cost and uncertainty of the public hearing process. He added the amendment would allow church steeples in residential zoning district to be constructed up to a maximum of 150 feet to include a ratio of steeple to building height to provide an appropriate height balance between the steeples and building.

Mr. Gulley opened the floor for public comments.

Messrs. Brennan Keene, Richard Nunnally, Roger Clifton, Warren Tribett and Greg Taylor and Ms. Heather Sloan and Ms. Kimberly Ross spoke in favor of the Ordinance amendment and noted that the steeples added an architectural element to the churches; served as a beacon of hope for the communities; and distinguished churches from other buildings; and that current fee for a Conditional Use application would be a financial strain for many churches.

There being no one else to speak, Mr. Gulley closed the public comments.

Messrs. Gulley, Bass, Brown and Waller stated that the Commission was not against the installation of church steeples; however, the Commission was concerned about implementing an Ordinance that would limit the citizens the opportunity to voice concerns relative to such proposals within their communities.

Mr. Hassen voiced concern that the current Conditional Use fees would cause a financial strain for many churches.

Mr. Gulley reiterated that the County has never recommended denial of a request for a church steeple. Mr. Gulley directed staff to prepare a request from the Commission to the Board of Supervisors for consideration of a fee reduction for tax exempt organizations.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend denial an Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Section 19-507 of the zoning ordinance relating to height exemptions for various structures. Specifically, this amendment would allow church steeples, spires, cupolas, and domes to exceed the fifty (50) feet height limitation in R and R-TH Districts and would allow such structures to be increased up to a height of 150 feet in certain circumstances.

AYES: Messrs. Gulley, Bass, Brown and Waller.

NAY: Mr. Hassen

CODE AMENDMENT RELATIVE TO CPTED STANDARDS.

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-105, 19-111, 19-301, 19-508.3, 19-518, and 19-519 of the zoning ordinance relating to Crime Prevention Through Environmental Design (CPTED). Specifically, the amendments would: (i) subject to any applicable building code regulations, require the addition of multiple windows to townhouse and multi-family buildings in R-TH and R-MF Districts, (ii) reduce the size of landscape plantings near entrances to buildings located in R-MF, O, C and I Districts, and (iii) establish minimum lighting requirements for parking areas, driveways and sidewalks in R-TH, R-MF, O, C and I Districts, including minimizing conflicts between parking lot landscaping and site lighting. The amendments also include a definition for the concept of "Crime Prevention Through Environmental Design" (CPTED).

Mr. Jim Eicher stated the purpose of the amendment was to enhance citizen safety through the application of Crime Prevention Through Environmental Design (CPTED) standards in multi-family, office, commercial and industrial developments.

Mr. Eicher insured the Commission that the proposed ordinance additions did not conflict with Fire, Building or Zoning Codes.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of the following:

AN ORDINANCE TO AMEND THE <u>CODE OF THE COUNTY</u>
<u>OF CHESTERFIELD</u>, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-105, 19-111, 19-301, 19-508.3, 19-518, and 19-519
RELATING TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-105, 19-111, 19-301, 19-508.3, 19-518, and 19-519 of the <u>Code of the County of Chesterfield</u>, 1997, as amended, be amended and re-enacted to read as follows:

ARTICLE III. DISTRICTS

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DIVISION 11. R-TH RESIDENTIAL-TOWNHOUSE DISTRICT

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Sec. 19-105. Required conditions.

The purpose and goal of the following conditions is to create developments that protect against overcrowding, undue density of population, obstruction of light and air and that are attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Townhouse buildings should possess architectural variety but enhance an overall cohesive residential character. Character should be achieved through the creative use of

design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines or other appurtenances such as lighting fixtures and/or planting. Townhouse rows of more than six units shall be clustered and employ sufficient variety of setbacks between units to avoid monotonous facades and bulky masses.

The conditions specified in this section shall be met in the R-TH District, except as noted in section 19-106:

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(r) <u>Crime Prevention Through Environmental Design (CPTED) criteria</u>: To increase opportunities for natural surveillance, end units on multi-story groups or rows of townhouses shall have multiple windows per (end) side unless prohibited by building code regulations.

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DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

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Sec. 19-111. Required conditions.

The purpose and goal of the following conditions is to create a development which protects against overcrowding, undue density of population, obstruction of light and air, and which is attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings should possess architectural variety but enhance an overall cohesive residential character. Character shall be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting.

The conditions specified in this section shall be met in the R-MF District except as specified in section 19-112.

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- (j) Crime Prevention Through Environmental Design (CPTED) criteria:
 - (1) <u>Unless prohibited by building code regulations, buildings shall incorporate multiple</u> windows on all sides in order to increase natural surveillance.
 - (2) Evergreen shrubs and trees with mature growth habits greater than three feet in height shall not be planted within a 10 foot radius of any common or individual building entrance or exit.

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ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

DIVISION 1. DEVELOPMENT STANDARDS*

*Editor's note: The requirements specified in this division shall apply to all development within the county. In addition to these standards, there shall be additional standards which apply to residential, office, business and industrial development, as well as signs and access and internal circulation and other aspects of development as provided in this article.

Subdivision I. General Provisions—Countywide

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ARTICLE VI. DEFINITIONS*

Sec. 19-301. Definitions.

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<u>Crime Prevention Through Environmental Design (CPTED):</u> the use of design techniques intended to lead to a reduction in the fear and incidence of crime and an improvement in the quality of life.

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Sec. 19-508.3. Exterior lighting.

- (a) With the exception of single family residential uses and parking areas for R-TH and R-MF zoned properties, all exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths foot candle above background, measured at the lot line of any adjoining A, R, R-TH, MH or R-MF district. Except in village districts where light standards may be required to be compatible with unique architectural styles or developments having ornamental pedestrian style lighting, lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining A, R, R-TH, MH or R-MF district or public right-of-way.
 - (b) Crime Prevention Through Environmental Design (CPTED) criteria:
 - (1) Developments within R-TH, R-MF, O, C and I zoned properties shall illuminate all parking areas, driveways and sidewalks with a minimum maintained illumination level of 1.0 foot-candle (f/c). A foot-candle output diagram calculated horizontally at grade shall be submitted for approval that specifies the light loss factor used to assure the 1.0 foot-candle level for the life of the project.
 - (2) R-TH lighting plans shall be filed at time of tentative plat submission. R-MF, O, C and I lighting plans shall be filed at time of site plan submission.
 - (3) <u>Lighting plans shall cover the entire site that is to be developed and shall include light fixture specifications, fixture mounting details and proposed landscaping.</u>

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Subdivision III. Landscaping

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Secs. 19-518. Plant material specifications.

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- (c) Landscaping design:
 - (1) Generally, planting required by this subdivision should be in an irregular line and spaced at random, except where otherwise indicated in any applicable, officially adopted plans and guidelines for landscaping. Clustering of plants and tree species shall be required to provide a professionally acceptable composition and mix of vegetation. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, having a minimum height of three feet, may reduce the amount of required plant materials as determined at the time of site or schematic plan approval.

(2) <u>Crime Prevention Through Environmental Design (CPTED) Criteria</u>: <u>Evergreen shrubs</u> and trees with mature growth habits greater than three feet in height shall not be planted within a 10 foot radius of any common or individual building entrance or exit.

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Sec. 19-519. Landscaping standards for surface parking areas.

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- (c) Design:
 - (1) Landscaped areas shall be reasonably dispersed, located so as to divide the expanse of paving. The county encourages the use of continuous planting islands wherever possible to minimize individual planting islands. Continuous planting islands shall be used to define entrance driveways, and within parking areas, walkways. No areas within the required setbacks shall be included as part of the required parking area or landscaping area. Landscaping in best management practice bio-retention islands located within parking areas shall count towards required parking lot landscaping.
 - (2) <u>Crime Prevention Through Environmental Design (CPTED) criteria</u>: For crime prevention and natural surveillance purposes, and while accomplishing the standards of Sec. 19-519(a), parking lot lights and parking lot trees shall be designed and located to minimize conflicts between the two and maximize light output throughout the life of the project.
- (2) That this ordinance shall become effective immediately upon adoption.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

CODE AMENDMENT TO ALLOW FAMILY SUBDIVISION TO STEPCHILDREN.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending Section 17-2 of the subdivision ordinance relating to the definition of a family subdivision. Specifically, this proposal would amend the "family subdivision" definition, which is a component of the definition for a "residential parcel subdivision", so as to provide that a "stepchild" is included within the definition of a "member of the immediate family" and, thus, is a person who is eligible to be the recipient of a parcel of land resulting from a family subdivision.

ALLOW FAMILY SUBDIVISION TO STEPCHILDREN

Ms. McGee advised the proposed amendment of the subdivision ordinance is to add "step child" as a person for whom land can be subdivided.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to recommend approval of the following:

AN ORDINANCE TO AMEND THE <u>CODE OF THE COUNTY</u>
<u>OF CHESTERFIELD</u>, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 17-2 RELATING TO
THE DEFINITION OF SUBDIVISION, RESIDENTIAL PARCEL

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 17-2 of the <u>Code of the County of Chesterfield</u>, 1997, as amended, be amended and reenacted to read as follows:

Sec. 17-2. Definitions.

Subdivision, residential parcel: The division, per article II division IV, of any parcel of land for residential use, into two or more parcels all of which are more than five acres, and which:

- (1) Have frontage of not less than 300 feet or 250 feet if a legally established access shared by no more than two parcels is used on an existing street, and;
- (2) Access to the parcel is provided within the area of required frontage, and;
- (3) The required minimum parcel width, per (1) above, is maintained for a depth required to create a five acre parcel or in an arrangement approved by the director of planning after determining that the configuration is appropriate based upon limitations imposed by the parcel shape and environmental features on the parcel and is not for the purpose of circumventing this subsection.
 - a. Residential parcel subdivisions shall include:

Family subdivisions which shall be defined as a single division of land to create a lot or a parcel for the purpose of a sale or gift to a member of the immediate family of the property owner including a partition of property owned by immediate family members. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. For the purpose of this subsection, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner. Family subdivisions shall comply with all applicable requirements of the zoning ordinance and the standards set forth in this chapter. Access shall be provided as required by the Code of Virginia.

Family subdivisions shall comply with the following requirements:

- (i) The property owner requesting approval of a family subdivision shall have owned the property for a continuous period of not less than two years immediately preceding the filing of the family subdivision application. This subsection shall not apply in the case of the death of the owner, and the estate executor or administrator shall be permitted to transfer the property to any eligible family member(s) of the decedent as defined in subsection (a) for the purposes of facilitating the family subdivision. Upon application, the director of planning may grant relief to this two-year retention period in cases of severe hardship including foreclosure, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. This subsection shall apply only to property acquired by the owner subsequent to January 1, 2005.
- (ii) Lots or parcels created through a family subdivision shall be titled in the name of the original recipient for whom the subdivision is made for a period of not less than five years. Upon application, the director of planning may grant relief to this fiveyear retention period in cases of severe hardship including foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner outof-state. Additionally, the director of planning may approve the transfer of property between eligible family members as defined in subsection (a) within the five-year retention period. Any such relief granted by the director shall be in the form of an

instrument that the applicant shall record against the parcel in the land records of the circuit court.

- (iii) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation of section 17-6. Any such lots or parcels shall be denied a building permit and, if a building permit has already been issued, shall upon discovery be subject to provisions of section 17-12 and 17-13. Further, the director of planning may take any reasonable actions necessary to ameliorate the effect of such circumvention including, without limitation, requesting the board of supervisors to adopt an ordinance pursuant to state law that vacates the subdivision in whole or in part.
- (iv) All proposed plats for family subdivisions shall include on the plat an affidavit under oath and penalty of perjury from the proposed grantor that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.
- (v) All family subdivision plats must contain a conspicuous note containing the following language:

"The Chesterfield County Subdivision Ordinance requires the original recipient of a parcel or lot created by a family subdivision to retain ownership of the property for not less than five years unless granted relief by the director of planning. Any violation of this requirement shall be presumed to constitute a circumvention of the subdivision ordinance and may result in corrective action taken by the county including, without limitation, imposition of applicable penalties, denial of building permits, and/or vacation of the subdivision."

b. Residential parcel subdivisions shall exclude:

Granting or extinguishing easements, and division of land for augmented estates, subordination or lien priority, plats of confirmation and open space, not directed at the creation of lots or parcels for sale, and not done for the purpose of circumventing this chapter.

(2) That this ordinance shall become effective immediately upon adoption.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. Michael Jackson voiced concern relative to a proposed Probation/Parole Office that would be located within close proximity of a school. Mr. Turner advised Mr. Jackson that the Board of Supervisors had directed staff to request the State to set a public hearing.

IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Dr. Brown, that the meeting adjourned at 8:06 p.m. to December 16, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

Chairman/Date	Secretary/Date